

Amendment under 37 C.F.R. §1.111 dated May 26, 2005
Serial No. 10/669,716
Attorney Docket No. 031217

REMARKS

Claims 1 – 4, 6 – 9 and 11 are pending in the above-identified application. Claim 11 is amended and claims 5 and 10 are canceled.

The Examiner rejected claims 1-4 and 6-9 under 35 U.S.C. §103(a) as being unpatentable over *Kanno 820* in view of *Gregory* and *Kanno 188*. The Examiner admitted that *Kanno 820* failed to disclose an actuator driving means for driving the actuator 86 to move the throttle valve in the closing direction such that the engine speed drops when it is discriminated that the detected engine speed exceeds the predetermined speed. The Examiner asserted that *Gregory* discloses such an actuator driving means 18 for driving the actuator 28 to move the throttle valve in the closing direction such that the engine speed drops when it is sensed that the sensor 12 is about to leave the water. The Examiner also admitted that *Kanno 820* failed to disclose the actuator driving means driving the actuator to move the throttle valve in the closing direction by an amount repeatedly such that the engine speed drops gradually. However, the Examiner asserted that newly cited *Kanno 188* discloses that an ECU can be used to open and close the throttle valve with a stepper motor, the stepper motor being the actuator [column 5, lines 55-60.] For at least the following reasons, it is believed that the listing of claims distinguish over the cited documents. Therefore, the Examiner's §103(a) rejection is respectfully traversed.

The inventors of the present application discovered the source of the vibration problem and the solution thereof [see page 9, lines 18-20 (by closing the throttle valve 70V *little by little*, the engine 16 does not vibrate and the operator is prevented from experiencing unpleasant feelings.)) Accordingly, an object of the present invention is to provide an engine speed control

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system that lowers the engine speed without causing the engine to vibrate when a trouble has occurred in the engine. To accomplish this objective, the present application claims an actuator driving means for driving the actuator to move the throttle valve in the closing direction by an amount repeatedly such that the engine speed drops gradually, when it is discriminated that the detected engine speed exceeds the predetermined speed [claim 1.]

Kanno 188 does not teach the aforementioned problem or its source. Although *Kanno 188* does briefly discuss using a "stepper motor" to move the throttle valves (column 5, lines 59-60), it would not have been obvious to combine the documents to include the stepper motor so that it will *open and close the throttle valve by an amount repeatedly such that the engine speed will increase or drop gradually*. *Kanno 188* merely discusses using a stepper motor as an example of an electronic control mechanism that can be used to open and close the throttle valves [column 5, lines 57-60.] What is clearly missing from *Kanno 188* is any discussion about using a stepper motor to close the throttle valve by an amount repeatedly such that the engine speed will increase or drop gradually. Moreover, the Examiner failed to present actual evidence and particular findings related to any motivation to combine the teachings of these references. *In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

Therefore, it is believed that claim 1 is patentably distinguishable over the cited documents. Accordingly, withdrawal of the obviousness rejection is respectfully submitted. As claims 2-4 and 6-9 depend from claim 1, they should likewise be allowable by nature of their dependency.

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The Examiner also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Kanno 820* in view of *Gregory*. Applicants amend claim 11. In view of amended claim 11 and the aforementioned arguments, Applicants respectfully submit that claim 11 distinguishes over the Examiner's cited documents. Accordingly, withdrawal of the obviousness rejection is respectfully submitted.

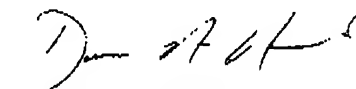
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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